

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF TEXAS
3 AUSTIN DIVISION

4 UNITED STATES OF AMERICA) Docket No. A 22-CR-187(1) RP
5)
6 vs.) Austin, Texas
7)
8 STEVE RAY SHICKLES, JR.) September 26, 2022

9 TRANSCRIPT OF REARRAIGNMENT/PLEA
10 BEFORE THE HONORABLE DUSTIN M. HOWELL

11 APPEARANCES:

12 For the United States: Mr. Matthew B. Devlin
13 Assistant U.S. Attorney
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15 Suite 334
16 Austin, Texas 78701

17 For the Defendant: Mr. Horatio R. Aldredge
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Proceedings reported by digital sound recording,
transcript produced by computer aided-transcription.

1 (Proceedings commence at 2:04 p.m.)

2 THE CLERK: The Court calls the following cases
3 for a guilty plea: 1:19-CR-130-LY, United States of
4 America vs. Juan Christopher Penilla.

5 MR. DEVLIN: Matthew Devlin for the United
6 States.

7 MR. ALDREDGE: Horatio --

8 MS. VAZQUEZ: Amber Vazquez for Mr. Penilla.

9 THE CLERK: 1:22-CR-187-RP, U.S.A. vs. Steve Ray
10 Shickles, Jr.

11 MR. DEVLIN: Matthew Devlin for the United
12 States.

13 MR. ALDREDGE: And Horatio Aldredge for Mr.
14 Shickles.

15 THE CLERK: 1:22-CR-198, Daniel
16 Coahuilas-Coahuilas.

17 MR. DEVLIN: Matthew Devlin for the United
18 States.

19 MR. ALDREDGE: Horatio Aldredge for Mr.
20 Coahuilas.

21 THE CLERK: And 1:22-CR-204, Felipe
22 Ramos-Beltran.

23 MR. DEVLIN: Matthew Devlin for the United
24 States.

25 MR. ALDREDGE: Horatio Aldredge for Mr.

1 Ramos-Beltran.

2 THE COURT: Good afternoon.

3 The parties are here for a guilty plea in
4 accordance with Rule 11 of the Federal Rules of Criminal
5 Procedure.

6 Ms. Thomson, if you will please administer the
7 oath.

8 THE CLERK: If each of you, would you please
9 raise your right hands. Thank you.

10 Do you solemnly swear or affirm that the
11 testimony which you may give in the case before the Court
12 shall be the truth, the whole truth, and nothing but the
13 truth? Mr. Penilla?

14 DEFENDANT PENILLA: Yes, I swear.

15 THE COURT: Mr. Shickles?

16 DEFENDANT SHICKLES: Yes.

17 THE COURT: Mr. Coahuilas?

18 DEFENDANT COAHUILAS-COAHUILAS: Yes.

19 THE COURT: Mr. Ramos-Beltran?

20 DEFENDANT RAMOS-BELTRAN: Yes.

21 THE COURT: Do you understand that you are now
22 under oath and that if you answer any of my questions
23 falsely, your answers may be used against you in another
24 prosecution for perjury or for making a false statement?

25 DEFENDANT PENILLA: Yes, sir, I do.

1 DEFENDANT SHICKLES: Yes, your Honor.

2 DEFENDANT COAHUILAS-COAHUILAS: Yes.

3 DEFENDANT RAMOS-BELTRAN: Yes.

4 THE INTERPRETER: "Yes" by both.

5 THE COURT: In order to take your guilty plea, I
6 need to advise you of several rights and ask you a series
7 of questions that are intended to ensure that you
8 understand what you are doing by pleading guilty. If you
9 didn't understand anything that I say, or if you have a
10 question or want to speak with your attorney at any time,
11 please just stop me. This is important because you can't
12 come back later and say that you didn't understand what
13 you were doing.

14 I will advise you that this hearing will be
15 recorded. We'll start by having each of you state your
16 full name, please, starting with you, Mr. Penilla, your
17 full name.

18 DEFENDANT PENILLA: Juan Christopher Penilla.

19 DEFENDANT SHICKLES: Steve Ray Shickles, Jr.

20 DEFENDANT COAHUILAS-COAHUILAS: Daniel
21 Coahuilas-Coahuilas.

22 DEFENDANT RAMOS-BELTRAN: Felipe Ramos-Beltran.

23 THE COURT: I am a United States Magistrate
24 Judge. You have the right to plead before the district
25 court, instead.

1 Have you discussed this issue fully with your
2 attorney?

3 DEFENDANT PENILLA: Yes, your Honor.

4 DEFENDANT SHICKLES: I have, your Honor.

5 DEFENDANT COAHUILAS-COAHUILAS: Yes.

6 DEFENDANT RAMOS-BELTRAN: Yes.

7 THE INTERPRETER: "Yes" by both.

8 THE COURT: Do you understand your right to have
9 the district judge hear your plea?

10 DEFENDANT PENILLA: Yes.

11 DEFENDANT SHICKLES: Yes, your Honor.

12 DEFENDANT COAHUILAS-COAHUILAS: Yes.

13 DEFENDANT RAMOS-BELTRAN: Yes.

14 THE INTERPRETER: "Yes" by both.

15 THE COURT: Do you waive your right to plead in
16 front of the district court?

17 DEFENDANT PENILLA: Yes, your Honor.

18 DEFENDANT SHICKLES: Yes, your Honor.

19 DEFENDANT COAHUILAS-COAHUILAS: Yes.

20 DEFENDANT RAMOS-BELTRAN: Yes.

21 THE INTERPRETER: "Yes" by both.

22 THE COURT: Does the government consent to have
23 me hear the defendants' pleas?

24 MR. DEVLIN: Yes in all cases.

25 THE COURT: Thank you.

1 I find that both parties consent to have me
2 conduct the guilty plea proceeding. I will remind counsel
3 that as required by Rule 5(f), the United States is
4 ordered to produce all exculpatory evidence to the
5 defendants pursuant to Brady vs. Maryland and its progeny.
6 Not doing so in a timely manner may result in sanctions,
7 including exclusion of evidence, adverse jury
8 instructions, dismissal of charges, and contempt
9 proceedings.

10 Some questions to you, Ms. Vazquez, and, Mr.
11 Aldredge. Have you had sufficient time to discuss this
12 case with your client?

13 MS. VAZQUEZ: I have, your Honor.

14 MR. ALDREDGE: Yes, your Honor, with all three.

15 THE COURT: Have you discussed the charges and
16 any possible defenses?

17 MS. VAZQUEZ: Yes, we have.

18 MR. ALDREDGE: Yes, your Honor.

19 THE COURT: Have you explained his constitutional
20 and statutory rights?

21 MS. VAZQUEZ: Yes, I have.

22 MR. ALDREDGE: I have, your Honor.

23 THE COURT: Have you explained the sentencing
24 guidelines and other sentencing factors?

25 MS. VAZQUEZ: I have gone over those, your Honor.

1 MR. ALDREDGE: Yes, your Honor.

2 THE COURT: Do you believe your client has a
3 factual and rational understanding of these proceedings?

4 MS. VAZQUEZ: He does.

5 MR. ALDREDGE: Yes, your Honor, I do.

6 THE COURT: Any doubt as to his competence to
7 enter a plea?

8 MS. VAZQUEZ: No, your Honor.

9 MR. ALDREDGE: No, your Honor.

10 THE COURT: To the defendants, have you had
11 enough time to speak with your attorney?

12 DEFENDANT PENILLA: Yes, your Honor.

13 DEFENDANT SHICKLES: Yes, your Honor.

14 DEFENDANT COAHUILAS-COAHUILAS: Yes.

15 DEFENDANT RAMOS-BELTRAN: Yes.

16 THE INTERPRETER: "Yes" by both.

17 THE COURT: Have you told your attorney
18 everything you know about the facts and circumstances
19 leading to your arrest?

20 DEFENDANT PENILLA: Yes, your Honor.

21 DEFENDANT SHICKLES: Yes, your Honor.

22 DEFENDANT COAHUILAS-COAHUILAS: Yes.

23 DEFENDANT RAMOS-BELTRAN: Yes.

24 THE INTERPRETER: "Yes" by both.

25 THE COURT: Have you discussed the charges and

1 any possible defenses?

2 DEFENDANT PENILLA: Yes, your Honor.

3 DEFENDANT SHICKLES: Yes, your Honor.

4 DEFENDANT COAHUILAS-COAHUILAS: Yes.

5 DEFENDANT RAMOS-BELTRAN: Yes.

6 THE INTERPRETER: "Yes" by both.

7 THE COURT: Do you have any mental or physical
8 condition that affects your ability to understand today's
9 proceedings?

10 DEFENDANT PENILLA: No.

11 DEFENDANT SHICKLES: No, your Honor.

12 DEFENDANT COAHUILAS-COAHUILAS: No.

13 DEFENDANT RAMOS-BELTRAN: No.

14 THE INTERPRETER: "No" by both.

15 THE COURT: Are you under the influence of any
16 medication, drugs, or alcohol that affect your ability to
17 understand what you're doing today?

18 THE DEFENDANT: No, your Honor.

19 DEFENDANT SHICKLES: No, your Honor.

20 DEFENDANT COAHUILAS-COAHUILAS: No.

21 DEFENDANT RAMOS-BELTRAN: No.

22 THE INTERPRETER: "No" by both.

23 THE COURT: Are you satisfied with your
24 attorney's representation?

25 DEFENDANT PENILLA: Yes, I am.

1 DEFENDANT SHICKLES: Yes, your Honor.

2 DEFENDANT COAHUILAS-COAHUILAS: Yes.

3 DEFENDANT RAMOS-BELTRAN: Yes.

4 THE INTERPRETER: "Yes" by both.

5 THE COURT: We have a plea agreement in Mr.

6 Penilla's case, correct, Mr. Devlin?

7 MR. DEVLIN: Mr. Penilla's case and Mr. Shickles'
8 case.

9 THE COURT: Will you summarize those for me?

10 MR. DEVLIN: I'm going to have to summarize them
11 separately, Judge, only because the one for Mr. Shickles
12 is from Alabama. It's a little bit different but nothing
13 too much, but I figure it might be better to just simply
14 separate them.

15 So Mr. Penilla's plea agreement can be
16 summarized: Defendant has agreed to waive indictment and
17 plead guilty to Count 1 of a superseding information,
18 charging him with conspiracy to possess with intent to
19 distribute controlled substances, in violation of Title
20 21, United States Code, Section 846. Should the Court
21 accept his guilty plea, the government agrees to move to
22 dismiss after sentencing the remaining charges against the
23 defendant to which he did not enter a plea of guilty, to
24 not further criminally prosecute defendant for the conduct
25 giving rise to the charge contained in the superseding

1 information, based on the facts set forth in the agreement
2 or for other known conduct, and to recommend that the
3 defendant be sentenced to the low end of the adjusted
4 guideline range or the recommendation is not binding on
5 the Court.

6 Should the defendant fail to meet his obligations
7 under the plea agreement, the United States Attorney would
8 be released from any duty to comply with the plea
9 agreement; and under those circumstances, defendant would
10 be subject to prosecution for all offenses arising from
11 this or any other investigation and subject to other
12 possible consequences set forth in the plea agreement.

13 The Court shall determine the defendant's
14 sentence in accordance with Title 18, United States Code,
15 Section 3553(a) after considering the application of the
16 sentencing guidelines. The guidelines are advisory, not
17 binding, although the Court is required to consider them.
18 The defendant understands he will not be permitted to
19 withdraw his guilty plea because the Court does not accept
20 the government's sentencing recommendation. Finally, the
21 defendant waives his right to appeal his conviction and/or
22 sentence under any ground except where the sentence
23 imposed by the Court exceeds the maximum sentence
24 authorized by statute. The defendant also waives his
25 right to contest his conviction and/or sentence at any

1 postconviction proceeding, except he does not waive the
2 right to challenge his sentence based on ineffective
3 assistance of counsel or prosecutorial misconduct of
4 constitutional dimension. And that, in summary, is Mr.
5 Penilla's plea agreement.

6 Would you like me to proceed with Mr. Shickles'
7 plea agreement?

8 THE COURT: Yes, if you would.

9 MR. DEVLIN: The plea agreement between the
10 United States Attorney for the Northern District of
11 Alabama and Defendant Steven Ray Shickles, Jr. may be
12 summarized as follows: Defendant has agreed to plead
13 guilty to Count 1 of an information, charging him with
14 wire fraud, in violation of Title 18, United States Code,
15 Section 1343. Should the Court accept the defendant's
16 guilty plea and subject to defendant's good conduct as set
17 forth in paragraph 8 of the plea agreement the government
18 agrees to recommend at sentencing that:

19 One, defendant receive a guidelines reduction for
20 acceptance of responsibility;

21 Two, that he receive a term of imprisonment
22 consistent with the greater of the low end of the advisory
23 guidelines range as found by the Court or time -- the time
24 the defendant has served in custody at the time of
25 sentencing;

1 Three, that defendant be placed on supervised
2 release upon completion of his term of imprisonment;

3 Four, that he pay a fine in accordance with the
4 sentencing guidelines and paid in full prior to the
5 expiration of his supervised release, and finally, that he
6 pay a \$100 special assessment.

7 The defendant understands that the recommended
8 sentence -- sentencing disposition is not binding on the
9 Court, that the Court may reject the sentencing
10 recommendation, and that the defendant cannot withdraw his
11 guilty plea if the Court does not accept the sentencing
12 recommendation. The defendant waives his right to appeal
13 his conviction and/or sentence on any ground except where
14 the sentence imposed by the Court exceeds the maximum
15 sentence authorized by statute, exceeds the guideline
16 range determined by the Court at the time of sentencing.
17 Defendant also waives his right to contest his conviction
18 and/or sentence in any postconviction proceeding, except
19 defendant does not waive the right to challenge his
20 sentence based on ineffective assistance of counsel. And
21 that, in summary, is the plea agreement.

22 I would like to note one inaccuracy in the plea
23 agreement. I'll let Mr. Aldredge confirm or deny that.
24 It does state on page 12 that the defendant is -- it's
25 essentially saying that he's not a citizen of the United

1 States. I think that was mistaken in the plea agreement.
2 It was probably meant to say that if he is not a citizen,
3 then these certain consequences would flow from that. It
4 is my understanding that Mr. Shickles is a citizen. So
5 we'd like to correct that portion on page 12 of the plea
6 agreement for the record.

7 MR. ALDREDGE: That is correct, your Honor. He
8 is a U.S. citizen.

9 THE COURT: Do we need to file anything
10 reflecting that correction or is there -- is it enough
11 that we just say it here on the record and acknowledge it
12 here?

13 MR. DEVLIN: I think it's enough. It just simply
14 I think was -- the purpose of that was to probably put in
15 some boilerplate language advising the defendant that if
16 he's not a citizen, then these consequences could flow
17 from it. So I think that was just a mistake that referred
18 to him --

19 MR. ALDREDGE: And when I read it, frankly, I
20 mean, we went over the plea agreement in detail and I came
21 to that, I just assumed it was an advisal about if you are
22 not a citizen.

23 THE COURT: Okay.

24 MR. ALDREDGE: But it actually reads since you
25 are not a citizen.

1 THE COURT: Okay. Well, duly noted. Thank you
2 for that.

3 MR. DEVLIN: Thank you.

4 THE COURT: Mr. Penilla, have you read the plea
5 agreement?

6 DEFENDANT PENILLA: Yes, we went through it.

7 MS. VAZQUEZ: There is one change I noticed on
8 the front page that states his attorney is Gerry Morris.
9 As much as I respect Gerry Morris, I am not Gerry Morris.

10 THE COURT: Right.

11 MS. VAZQUEZ: But it is the one I just saw even
12 though we have gone over this in detail on the substance.

13 THE COURT: Okay. Mr. Shickles, have you read
14 your plea agreement?

15 DEFENDANT SHICKLES: Yes, your Honor.

16 THE COURT: Did you discuss the plea agreement
17 with counsel? Mr. Penilla, did you discuss the plea
18 agreement with your attorney?

19 DEFENDANT PENILLA: Yeah.

20 THE COURT: Mr. Shickles?

21 DEFENDANT SHICKLES: Yes, your Honor.

22 THE COURT: Did you understand it before you
23 signed it?

24 DEFENDANT PENILLA: Yes.

25 DEFENDANT SHICKLES: Yes, your Honor.

1 THE COURT: Do you agree to be bound by it?

2 DEFENDANT PENILLA: Yes.

3 DEFENDANT SHICKLES: Yes, your Honor.

4 THE COURT: As Mr. Devlin noted, the plea
5 agreement includes a waiver of your right to appeal. That
6 includes both direct appeals and collateral attacks. The
7 exceptions to that waiver are limited. They include
8 claims of ineffective assistance of counsel, prosecutorial
9 misconduct, or the imposition of a sentence that is above
10 the statutory maximum.

11 Have you discussed this waiver with your
12 attorney? Have you discussed your waiver of your right to
13 appeal?

14 DEFENDANT PENILLA: Yeah.

15 DEFENDANT SHICKLES: Yes, your Honor.

16 THE COURT: Do you understand you are waiving
17 your right to appeal?

18 DEFENDANT PENILLA: Yes, I do, sir.

19 DEFENDANT SHICKLES: Yes, your Honor.

20 THE COURT: Okay. To the extent that the
21 government and I believe it is making recommendations
22 regarding your sentence, do you understand that the terms
23 of the plea agreement are only recommendations to the
24 district judge and that the district judge can reject
25 those recommendations without permitting you to withdraw

1 your plea of guilty and impose a sentence that is more
2 severe than you may anticipate?

3 DEFENDANT PENILLA: Yes, I do.

4 DEFENDANT SHICKLES: Yes, your Honor.

5 THE COURT: Mr. Penilla, Mr. Shickles and, Mr.
6 Ramos-Beltran, your cases are proceeding on the basis of
7 an information, or in your case, Mr. Penilla, a
8 superseding information. That's a written document
9 charging a crime, filed by the U.S. Attorney's Office.
10 The charges against you are felonies. You have the right
11 to require the government to present its evidence to a
12 grand jury to determine whether it would return an
13 indictment against you. You can waive this right and
14 agree to proceed today on the basis of an information.

15 Do you understand this right?

16 DEFENDANT PENILLA: Yes, I do.

17 DEFENDANT SHICKLES: Yes, your Honor.

18 DEFENDANT RAMOS-BELTRAN: No.

19 THE COURT: Okay. So the charge against you --
20 and I don't have a copy of your information in front of
21 me, but it's -- because it's a felony, the government --
22 you can require the government to go in front of a grand
23 jury and get a charging instrument called an indictment
24 against you, which basically means if they go to a grand
25 jury and present your case to them, and if the grand jury

1 determines that there is probable cause to believe that
2 you committed the crime that you are charged with, then
3 they would return something called an indictment.

4 I have here a waiver of indictment that you
5 signed saying that you don't care to go through that
6 process, that you agree to waive that part of this process
7 and just go forward on the information, which is the
8 current charging document against you.

9 Do you wish -- do you confirm that you do wish to
10 waive your indictment or -- and go forward with your
11 guilty plea as it is with an information? Or do you want
12 to hold the government to its duty to get an indictment
13 absent a waiver?

14 DEFENDANT RAMOS-BELTRAN: Can I know what the
15 charges are?

16 THE COURT: Yeah. Well, Mr. Aldredge, do you
17 want to discuss this with your client?

18 MR. ALDREDGE: Yes, your Honor.

19 THE COURT: I'm not doing a very good job of
20 explaining it. Maybe --

21 MR. ALDREDGE: Believe me, I've spent 23 years
22 trying to figure out that that's --

23 THE COURT: Yeah.

24 (Off-the-record discussion between

25 Defendant Ramos-Beltran and his attorney.)

1 MR. ALDREDGE: Okay. Thank you, your Honor.

2 THE COURT: Do you wish to waive your right to an
3 indictment?

4 DEFENDANT RAMOS-BELTRAN: Yes.

5 THE COURT: Very good. Mr. Penilla, you are
6 pleading to Count 1 of your superseding information, which
7 charges you with conspiracy to possess with intent to
8 distribute controlled substances, namely, cocaine. That
9 charge carries with it a term of imprisonment of not more
10 than 20 years, a term of supervised release of at least
11 three years and up to life, a fine of \$1 million, and a
12 special assessment of \$100.

13 Mr. Shickles, you're pleading to Count 1 of your
14 information, which charges you with wire fraud, in
15 violation of Title 18, United States Code, Sections 1343
16 and 1349, and that charge carries with it a term of
17 imprisonment of not more than 20 years, a term of
18 supervised release of not more than three years, a fine of
19 \$250,000, or twice the gain or loss applicable forfeiture
20 and restitution here. That means that you've agreed that
21 the loss amount, restitution amount, and forfeiture amount
22 is \$2,171,273.36 and a special assessment of \$100.

23 Mr. Coahuilas-Coahuilas and, Mr. Ramos-Beltran,
24 you both are pleading guilty to a violation of Title 8,
25 Section 1326 of the United States Code, which prohibits

1 the illegal reentry of a previously deported alien. That
2 charge carries with it a term of imprisonment of up to two
3 years, a fine of up to \$250,000, and a term of supervised
4 release of one year.

5 If your deportation was subsequent to a
6 conviction of three or more misdemeanors involving drugs,
7 crimes against a person, or both, or of a felony other
8 than an aggravated felony, then up to 10 years of
9 imprisonment, a \$250,000 fine, and a term of supervised
10 release of three years.

11 Or if the deportation was subsequent to a
12 conviction for commission of an aggravated felony, then up
13 to 20 years imprisonment, a \$250,000 fine, and a term of
14 supervised release of three years -- up to three years.
15 All of those also include a special assessment of \$100.

16 I'll ask this question to each of you. Do you
17 understand the charge and the range of penalty -- of
18 punishment that you face, starting with you, Mr. Penilla?

19 DEFENDANT PENILLA: Yes, your Honor, I do.

20 THE COURT: Mr. Shickles?

21 DEFENDANT SHICKLES: Yes, your Honor.

22 THE COURT: Mr. Coahuilas-Coahuilas?

23 DEFENDANT COAHUILAS-COAHUILAS: Yes.

24 THE COURT: Mr. Ramos-Beltran?

25 DEFENDANT RAMOS-BELTRAN: Yes.

1 THE COURT: Do you understand that the sentence
2 imposed in this case could run consecutive to any term of
3 imprisonment, probation, parole, or release that you may
4 be serving for any other offense?

5 DEFENDANT PENILLA: Yes, I do, your Honor.

6 DEFENDANT SHICKLES: Yes, your Honor.

7 DEFENDANT COAHUILAS-COAHUILAS: Yes.

8 DEFENDANT RAMOS-BELTRAN: Yes.

9 THE INTERPRETER: "Yes" by both.

10 THE COURT: Do you understand that under federal
11 law, there is no parole and you must serve the time to
12 which you are sentenced?

13 DEFENDANT PENILLA: Yes, I do, your Honor.

14 DEFENDANT SHICKLES: Yes, your Honor.

15 DEFENDANT COAHUILAS-COAHUILAS: Yes.

16 DEFENDANT RAMOS-BELTRAN: Yes.

17 THE INTERPRETER: "Yes" by both.

18 THE COURT: Mr. Penilla, are you a United States
19 citizen?

20 DEFENDANT PENILLA: Yes, sir.

21 THE COURT: And, Mr. Shickles, we've discussed
22 this already with respect to you, but are you a United
23 States citizen?

24 DEFENDANT SHICKLES: Yes, your Honor.

25 THE COURT: Okay. Mr. Coahuilas-Coahuilas, and,

1 Mr. Ramos-belt, have you discussed with your attorney the
2 effects or consequences of your guilty plea on your
3 immigration status?

4 DEFENDANT COAHUILAS-COAHUILAS: Yes, sir.

5 DEFENDANT RAMOS-BELTRAN: Yes.

6 THE INTERPRETER: "Yes" by both.

7 THE COURT: I need to be sure that you understand
8 that by pleading guilty, there may be adverse effects on
9 any pending or future claims related to your immigration
10 status. You may eventually be deported and removed from
11 the United States. In fact, for our purposes today, you
12 should assume you'll be deported or removed. Your guilty
13 plea may prevent you from ever lawfully entering or
14 residing in the United States. And you may be denied the
15 opportunity to become a naturalized citizen of the United
16 States or a permanent resident alien or achieve any legal
17 status in the United States.

18 Knowing that your guilty plea may have these and
19 other consequences on your immigration status, do you
20 still want to plead guilty?

21 DEFENDANT COAHUILAS-COAHUILAS: Yes, sir.

22 DEFENDANT RAMOS-BELTRAN: Yes.

23 THE INTERPRETER: "Yes" by both.

24 THE COURT: Let's discuss your supervised
25 release. You may also be sentenced to serve a term of

1 supervised release, which is a period of supervision after
2 the completion of any term of imprisonment. In your case,
3 Mr. Penilla, your supervised release will last at least
4 three years and up to life.

5 Mr. Shickles, yours would last not more than
6 three years.

7 Mr. Coahuilas-Coahuilas, and, Mr. Ramos-Beltran,
8 your term of supervised release would last up to three
9 years.

10 During any term of supervised release, you must
11 comply with the conditions set by the district judge and
12 be supervised by the U.S. Probation Office. If you're
13 deported, there is no reporting requirement, but you would
14 be ordered not to return to the U.S. without proper
15 authorization, but if you did, you must report to the
16 nearest probation office.

17 Failure to comply with the terms of your
18 supervised release could result in revocation and an
19 additional term of imprisonment. If revoked, you would
20 get no credit for the time you served on supervised
21 release.

22 Do you understand what I've said about supervised
23 release?

24 DEFENDANT PENILLA: Yes, I do, your Honor.

25 DEFENDANT SHICKLES: Yes, your Honor.

1 DEFENDANT COAHUILAS-COAHUILAS: Yes, sir.

2 DEFENDANT RAMOS-BELTRAN: Yes.

3 THE INTERPRETER: "Yes" by both.

4 THE COURT: We will now discuss your sentencing.
5 When the district court decides your sentence, the Court
6 will calculate the applicable sentencing guidelines range
7 and consider that range and any departures from the
8 sentencing guidelines. The Court will also consider
9 additional statutory factors, including the nature and
10 circumstances of your offense, your history and
11 characteristics, the seriousness of the offense, the need
12 to promote respect for the law, provide for just
13 punishment, afford adequate deterrence and protect the
14 public, and the need to provide you with any educational
15 or vocational training or medical care, to avoid
16 unwarranted sentencing disparities, and provide
17 restitution to any victims of your offense.

18 The district court has discretion to impose a
19 sentence within the guidelines or above or below. The
20 guidelines are not binding on the district court.

21 Have you discussed with your attorney the law on
22 sentencing, including the possible effect that the
23 sentencing guidelines will have on your sentence in this
24 case?

25 DEFENDANT PENILLA: Yes, I did, your Honor.

1 DEFENDANT SHICKLES: Yes, your Honor.

2 DEFENDANT COAHUILAS-COAHUILAS: Yes, sir.

3 DEFENDANT RAMOS-BELTRAN: Yes.

4 THE INTERPRETER: "Yes" by both.

5 THE COURT: Do you understand that before you
6 enter your guilty plea, no one can know, and you do not
7 know, what your eventual sentence will be other than it
8 won't be greater than the maximum I mentioned before?

9 DEFENDANT PENILLA: Yes, I do, your Honor.

10 DEFENDANT SHICKLES: Yes, your Honor.

11 DEFENDANT COAHUILAS-COAHUILAS: Yes, sir.

12 DEFENDANT RAMOS-BELTRAN: Yes.

13 THE INTERPRETER: "Yes" by both.

14 THE COURT: Do you have any questions about
15 sentencing?

16 DEFENDANT PENILLA: No, I don't.

17 DEFENDANT SHICKLES: No, your Honor.

18 DEFENDANT COAHUILAS-COAHUILAS: No.

19 DEFENDANT RAMOS-BELTRAN: No.

20 THE INTERPRETER: "No" by both.

21 THE COURT: I will now advise you of several of
22 your rights. You have the right to plead not guilty. You
23 would then be entitled to a jury trial. You're entitled
24 to representation by an attorney at all stages of the
25 proceedings. At trial, you would be presumed to be

1 innocent. The government would have to prove your guilt
2 beyond a reasonable doubt. The jury verdict would have to
3 be unanimous. You would have the right to cross-examine
4 government witnesses and to present evidence, including
5 the right to subpoena witnesses. But you would never have
6 to prove your innocence and you would not be required to
7 call witnesses. Your case could include your testimony,
8 but you would also have the right to not testify and the
9 government could not require you to testify.

10 If you elected not to testify at trial, the Court
11 would instruct the jury that they could make no inference
12 of guilt based on that decision. By pleading guilty, you
13 waive your right to trial as well as the other rights I've
14 just described. If the district court accepts your guilty
15 plea, there will be no trial and the Court will enter a
16 judgment of guilty and sentence you after considering a
17 presentence report, which we will discuss further in a
18 minute.

19 Do you understand that if you plead guilty, you
20 waive your right to a jury trial and all the other rights
21 I've just described?

22 DEFENDANT PENILLA: Yes, your Honor.

23 DEFENDANT SHICKLES: Yes, your Honor.

24 DEFENDANT COAHUILAS-COAHUILAS: Yes, sir.

25 DEFENDANT RAMOS-BELTRAN: Yes.

1 THE INTERPRETER: "Yes" by both.

2 THE COURT: If you plead guilty, the Court may
3 ask you questions about your offense. I need to advise
4 you that if you answer those questions under oath and in
5 the presence of your attorney and your answers are not
6 truthful, the government could prosecute you for false
7 statement or perjury.

8 Mr. Penilla, and, Mr. Shickles, you both signed
9 plea agreements. Those plea agreements included a written
10 factual basis which summarized the facts underlying your
11 arrest.

12 Can you confirm that the facts -- the factual
13 basis in your plea agreement is accurate?

14 DEFENDANT PENILLA: Yes, it is, your Honor.

15 DEFENDANT SHICKLES: Yes, your Honor.

16 THE COURT: Do you have any questions concerning
17 the factual basis?

18 DEFENDANT PENILLA: No, I don't, your Honor.

19 DEFENDANT SHICKLES: No, your Honor.

20 THE COURT: Are those facts true?

21 DEFENDANT PENILLA: Yes, your Honor.

22 DEFENDANT SHICKLES: Yes, your Honor.

23 THE COURT: Mr. Devlin, will you please summarize
24 the factual basis for the charges against Mr.
25 Coahuilas-Coahuilas and Mr. Ramos-Beltran.

1 MR. DEVLIN: Yes. I'm going to summarize those
2 together.

3 In each of these cases, had these matters
4 proceeded to trial, the United States Attorney was
5 prepared to prove the following facts beyond a reasonable
6 doubt:

7 Each defendant, an alien, was removed and
8 deported from the United States and at a later date, was
9 found in the United States in the Western District of
10 Texas. As to Defendant Coahuilas-Coahuilas, he was
11 removed and deported to Mexico on or about December 4th,
12 2020, and subsequently found in the United States on or
13 about August 7, 2022.

14 As to Defendant Ramos-Beltran, he was removed and
15 deported to Mexico on or about October 20th, 2013, and
16 subsequently found in the United States on or about August
17 17, 2022.

18 At the time of each defendants' removal and
19 deportation, immigration officers obtained each
20 defendant's fingerprints on a warrant of removal and
21 deportation, which was included in the official records
22 pertaining to each defendants' removal. After having been
23 removed from the United States, neither of the defendants
24 obtained the consent of the Secretary of Homeland Security
25 or the Attorney General of the United States to reapply

1 for admission to the United States.

2 Through fingerprint comparison, each defendant
3 was verified to be the same person who was removed and
4 deported from the United States as indicated on the
5 warrant of removal and deportation pertaining to him. And
6 that, in summary, would be the evidence presented in both
7 of these cases.

8 THE COURT: Thank you.

9 Mr. Coahuilas-Coahuilas, can you confirm that the
10 facts that the Assistant U.S. Attorney just summarized are
11 accurate?

12 DEFENDANT COAHUILAS-COAHUILAS: Yes.

13 THE COURT: Do you have any questions concern the
14 factual basis?

15 DEFENDANT COAHUILAS-COAHUILAS: No.

16 THE COURT: Are those facts true?

17 DEFENDANT COAHUILAS-COAHUILAS: Yes.

18 THE COURT: Same questions to you, Mr.

19 Ramos-Beltran.

20 Can you confirm that the facts that Mr. Devlin
21 just summarized are accurate?

22 DEFENDANT RAMOS-BELTRAN: Yes.

23 THE COURT: Do you have any questions concerning
24 the factual basis?

25 DEFENDANT RAMOS-BELTRAN: No.

1 THE COURT: Are those facts true?

2 DEFENDANT RAMOS-BELTRAN: Yes.

3 THE COURT: Understanding the possible penalties
4 you face and the rights you're giving up, how do you plead
5 to the charge, guilty or not guilty?

6 DEFENDANT PENILLA: Guilty, your Honor.

7 DEFENDANT SHICKLES: Guilt, your Honor.

8 DEFENDANT COAHUILAS-COAHUILAS: Guilty.

9 DEFENDANT RAMOS-BELTRAN: Guilty.

10 THE INTERPRETER: "Guilty" by both.

11 THE COURT: Are you pleading guilty freely and
12 voluntarily?

13 DEFENDANT PENILLA: Yes, your Honor.

14 DEFENDANT SHICKLES: Yes, your Honor.

15 DEFENDANT COAHUILAS-COAHUILAS: Yes, sir.

16 DEFENDANT RAMOS-BELTRAN: Yes.

17 THE INTERPRETER: "Yes, sir" and "Yes" by both.

18 THE COURT: Has anyone threatened you or forced
19 you in any way to plead guilty?

20 DEFENDANT PENILLA: No, your Honor. I'm
21 responsible.

22 DEFENDANT SHICKLES: No, your Honor.

23 DEFENDANT COAHUILAS-COAHUILAS: No, sir.

24 DEFENDANT RAMOS-BELTRAN: No.

25 THE INTERPRETER: "No, sir," "No" by both.

1 THE COURT: Has anyone made any promise to you
2 other than the plea agreements in your cases causing you
3 to plead guilty?

4 DEFENDANT PENILLA: No, your Honor.

5 DEFENDANT SHICKLES: No, your Honor.

6 DEFENDANT COAHUILAS-COAHUILAS: No, sir.

7 DEFENDANT RAMOS-BELTRAN: No.

8 THE INTERPRETER: "No, sir," "No" by both.

9 THE COURT: Are you pleading guilty because you
10 are guilty and for no other reason?

11 DEFENDANT PENILLA: Yes, I do, your Honor.

12 DEFENDANT SHICKLES: Yes, your Honor.

13 DEFENDANT COAHUILAS-COAHUILAS: Yes, sir.

14 DEFENDANT RAMOS-BELTRAN: Yes.

15 THE INTERPRETER: "Yes, sir," "Yes" by both.

16 THE COURT: I find that your plea of guilty is
17 freely and voluntarily made. You understand the nature of
18 the charges and penalties you face. You understand your
19 constitutional and statutory rights and you choose to
20 waive them. You are competent to enter a plea of guilty.
21 You are satisfied with your attorney's representation in
22 the case.

23 That, Mr. Penilla and, Mr. Shickles, you
24 understand your plea agreement and agree to be bound by
25 its terms and that there is a factual basis for the pleas

1 in all of your cases.

2 I will recommend to the district court that based
3 on the statements you have made under oath that your plea
4 of guilty should be accepted.

5 Your case will now be referred to the U.S.
6 Probation Office to prepare a presentence investigation
7 report. A copy of that report will be provided to you
8 through counsel at least 35 days before sentencing. You
9 will then have 14 days to make written objections.

10 Any objections that cannot be resolved between
11 you, your attorney, the government, and the probation
12 office will be resolved by the district court before
13 sentencing.

14 Is there anything else for us to address today
15 with respect to Mr. Penilla, Mr. Devlin?

16 MR. DEVLIN: No, your Honor.

17 THE COURT: Ms. Vazquez?

18 MS. VAZQUEZ: No, your Honor.

19 THE COURT: With respect to Mr.
20 Coahuilas-Coahuilas?

21 MR. DEVLIN: No, sir.

22 MR. ALDREDGE: No.

23 THE COURT: And, Mr. Ramos-Beltran?

24 MR. DEVLIN: No, sir.

25 MR. ALDREDGE: No, your Honor.

1 THE COURT: Very good. Then I will excuse those
2 three defendants.

3 Mr. Shickles, I understand from our Pretrial
4 Services department that you've been in compliance with
5 the terms of your release. So absent an objection from
6 the government, you can remain out of custody on your
7 original bond.

8 Any objection from the government?

9 MR. DEVLIN: No objection.

10 THE COURT: You must agree to continue to abide
11 by the conditions governing your release and to appear for
12 all future court proceedings.

13 Do you understand that?

14 DEFENDANT SHICKLES: Yes, your Honor.

15 THE COURT: Any questions for me?

16 DEFENDANT SHICKLES: No, your Honor.

17 THE COURT: Anything else for us to address
18 today, Mr. Devlin?

19 MR. DEVLIN: Nothing from the government.

20 THE COURT: Mr. Aldredge?

21 MR. ALDREDGE: No, your Honor.

22 THE COURT: All right. Thank you. You are
23 excused.

24 MR. ALDREDGE: Thank you.

25 (Proceedings conclude at 2:36 p.m.)

REPORTER'S CERTIFICATE

I, LILY I. REZNIK, DO HEREBY CERTIFY THAT THE FOREGOING
WAS TRANSCRIBED FROM AN ELECTRONIC RECORDING MADE AT THE
TIME OF THE AFORESAID PROCEEDINGS AND IS A CORRECT
TRANSCRIPT, TO THE BEST OF MY ABILITY, MADE FROM THE
PROCEEDINGS IN THE ABOVE-ENTITLED MATTER, AND THAT THE
TRANSCRIPT FEES AND FORMAT COMPLY WITH THOSE PRESCRIBED BY
THE COURT AND JUDICIAL CONFERENCE OF THE UNITED STATES,
ON THIS 19th DAY OF AUGUST, 2023.

Lily Iva Reznik

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*LILY I. REZNIK, CRR, RMR  
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